IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 12716 of 2004

Between:

R.John Wesley, Indian Christian, aged 49 years s/o R. John,

Driver of APSRTC, Staff No. E.202069, Ranigunj-1, Bus Depot,
C/o I.P. Joel, General Secretary & Representative for the Workmen & APSRTC
Employees & Workers Union, Regd.No. H-10,
D.No. 11--4-288, Chilakalguda,

Secunderabad-A.P Pin Code 500 061.

..... PETITIONER

AND

1 The Depot Manager,

APSRTC, Ranigunj-1, Bus Depot,

Ranigunj, Secunderabad - AP.
2 The Assistant Manager (Enquiries),

APSRTC, (Enquiry Officer),
O/o The Divisional Manager, Secunderabad Division,

Rathifile Bus Station Complex,
Secunderabad - A.P.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ or Order or Direction more particularly one in the nature of Mandamus declaring the action of 1st respondent in refusing to supply the relevant documents connected to the allegations of the Charges of the Charge Sheet bearing its No.

02/62 (6)/2004-RNG.1, dated 19-2-2004 as per Regulations 12(3) and 15 of APSRTC, CC & A Regulations 1967 illegal, arbitrary and violative of article 14 and 16 of the Constitution of India and consequently direct the Respondents to supply/furnish the relevant documents mentioned in the representations dated 17-2-2004, 10-3-2004, 9-4-2004, 26-4-2004, 14-5-2004, 31-5-2004, 2-6-2004, 23-6-2004 first and let the respondent No.1 should have received my explanation to the alleged Charge Sheet dated 19-2-2004 and if it is not convincing then he should have come to the conclusion to arrange for the enquiry, here the procedure prescribed was not followed.

Counsel for the Petitioner: PARTY-IN-PERSON

Counsel for the Respondents.: Mr.V.T.M.PRASAD (S.C.FOR APSRTC)

The Court at the admission stage made the following ORDER:

The petitioner contends that he is working as a Driver in the 1st respondent-Corporation and disciplinary proceedings were initiated against him. The petitioner further contends that he was not allowed to submit his explanation and he was not furnished the copies of the documents, which were relied on by the 1st respondent-corporation during the course of enquiry. Therefore, the petitioner approached this Court seeking a direction to the 1st respondent-corporation to furnish copies of the documents relied on by the respondent in the enquiry and to receive his explanation.

The petitioner filed this Writ Petition on 06-07-2004. Subsequently, the respondent passed an order dated 20-07-2004 removing the petitioner from service. The Writ Petition, therefore, became infructuous and the same is dismissed accordingly.

The petitioner, if desires, may seek proper remedy in the appropriate forum against the said order of removal passed by the respondent.

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(Dr. G. YETHIRAJULU,J)

26th October, 2004.

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To

1 The Depot Manager,

APSRTC, Ranigunj-1, Bus Depot,

Ranigunj, Secunderabad - AP.

2 The Assistant Manager (Enquiries),

APSRTC, (Enquiry Officer),
O/o The Divisional Manager, Secunderabad Division,

Rathifile Bus Station Complex,
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3 Two CD Copies.